

Requests for Reconsideration:

Applicant is amending independent claim 1, and are adding new claims 15 and 16 to better describe the claimed invention. Applicant respectfully submits that no new matter is added by the foregoing amendments, these amendments are fully supported by the specification, and these amendments are non-narrowing amendments which are unrelated to patentability. Applicant respectfully requests that the Examiner reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

Remarks:

1. Objections and Rejections

The Information Disclosure Statement (“IDS”) filed on May 31, 2006, stands objected to allegedly failing to include a concise statement of the relevance of a non-English language reference. The Specification stands objected to as allegedly including typographical errors. Claims 10 and 12 stand objected to as allegedly being incorrectly identified as original claims. Claims 1-14 stand rejected under 35 U.S.C. § 112, ¶2, as allegedly being indefinite. Moreover, claims 1-3, 5-9, and 11-14 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 6,361,283 to Ota et al. (“Ota”). In addition, claims 4 and 10 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Ota in view of U.S. Patent Application Publication No. 2003/0031569 A1 to Hayashi et al. (“Hayashi.”).

2. Information Disclosure Statement

The IDS filed on May 31, 2006, stands objected to allegedly failing to include a concise statement of the relevance of a non-English language reference. The IDS filed on May 31, 2006, included German Patent Publication No. DE 69926464, for which an abstract was not available. Nevertheless, Applicant notes that the IDS filed on May 31, 2006, also included European Patent Publication No. EP 0997639, which is an English language document, and is a counterpart to German Patent Publication No. DE 69926464. Applicant respectfully submits that European Patent Publication No. EP 0997639 is a concise statement of the relevance of German Patent Publication No. DE 69926464. Therefore, Applicant respectfully requests that the Examiner consider the references included in the IDS filed on May 31, 2006.

3. Specification

The Specification stands objected to as containing informalities. Specifically, the Office Action asserts that the reference numeral 11d is used improperly on page 9, line 21, as referring to a discharge gas inflow chamber, and that the reference numeral 11 is used improperly on page 9, line 22, as referring to the “rod.” Applicant has amended the Specification to replace the phrase: “discharge gas inflow chamber 11d” with the phrase: “discharge gas inflow chamber 11g,” and to replace the phrase: “rod 11” with the phrase: “rod 11d” on page 9, line 22. Therefore, Applicant respectfully requests that the Examiner withdraw the objection to the specification.

4. 35 U.S.C. § 112, ¶2

Claims 1-14 stand rejected as allegedly being indefinite. Specifically, the asserts that the term “such as,” as set forth in independent claim 1, is indefinite. Applicant has amended independent claim 1 to remove the phrase: “such as cooling load or vehicle running state.” Therefore, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejection of claims 1-14.

5. 35 U.S.C. § 102(b)

Claims 1-3, 5-9, and 11-14 stand rejected as allegedly anticipated by Ota. “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Office Action alleges that Ota describes each and every element as set forth in claims 1-3, 5-9, and 11-14. Applicant respectfully disagrees.

Applicants independent claim 1 recites, in part: “a constant differential pressure valve arranged to open when a differential pressure between upstream and downstream pressures of the throttling valve reaches a predetermined value, thereby introducing compressor discharge gas to a crank chamber.” (Emphasis added.) Thus, in Applicant’s claimed invention as set forth in independent claim 1, the constant differential pressure valve opens when the differential pressure between upstream and downstream pressures of the throttling valve reaches a predetermined value in order to introduce compressor discharge gas into the crank chamber.

The Office Action asserts that Ota discloses “a constant differential valve (between rod portions 83 and 84) arranged to open when a differential pressure between upstream (Pc) and downstream (Pd) pressures of the throttling valve reaches a predetermined value.” Office Action, Page 4, Lines 5-8. As such, the Office Action asserts that pressure Pc corresponds to Applicant’s claimed upstream pressure in the throttling valve, and pressure Pd corresponds to Applicant’s claimed downstream pressure in the throttling valve.

Nevertheless, Ota states that pressure Pc corresponds to the pressure inside crank chamber 5, and pressure Pd corresponds to the pressure inside discharge chamber 22. As such, and in contrast to the Office Action’s assertions, pressures Pc and Pd cannot correspond to Applicant’s claimed upstream pressure in the throttling valve and downstream pressure in the throttling valve, respectively. Consequently, Ota fails to disclose “a constant differential pressure valve arranged to open when a differential pressure between upstream and downstream pressures of the throttling valve reaches a predetermined value, thereby introducing compressor discharge gas to a crank chamber,” as set forth in Applicant’s independent claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of independent claim 1 at least for this reason.

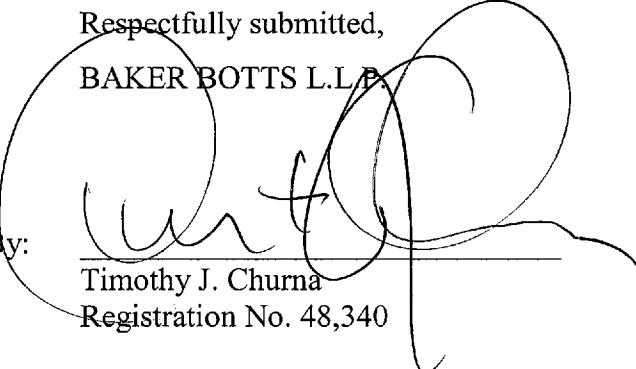
Claims 2, 3, 5-9, and 11-14 depend from allowable, independent claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of claims 2, 3, 5-9, and 11-14 at least for this reason.

6. 35 U.S.C. § 103(a)

Claims 4 and 10 stand rejected as allegedly rendered obvious by Ota in view of Hayashi. As set forth above, Ota fails to disclose “a constant differential pressure valve arranged to open when a differential pressure between upstream and downstream pressures of the throttling valve reaches a predetermined value, thereby introducing compressor discharge gas to a crank chamber,” as set forth in Applicant’s independent claim 1. The Office Action does not assert that Hayashi discloses or suggests this missing limitations. Claims 4 and 10 depend from allowable, independent claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness rejection of claims 4 and 10 at least for this reason.

Conclusion:

Applicant respectfully submits that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicant's representative, we would welcome the opportunity to do so. Applicant believes that no fees are due as a result of this Responsive Amendment. Nevertheless, in the event of any variance between the fees determined by Applicant and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,

BAKER BOTTS L.L.P.
By: _____
Timothy J. Churna
Registration No. 48,340

Dated: **November 26, 2007**

Baker Botts L.L.P.
The Warner, Suite 1300
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
(202) 639-7700 (telephone)
(202) 639-7890 (facsimile)

JBA/TJC/tt